

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re PHILIP FOND,

No. C 11-04856 SBA (PR)

ORDER OF DISMISSAL

This action was opened when the Court received from Plaintiff Philip Fond a letter addressed to Senior District Court Judge Thelton E. Henderson expressing his displeasure with the "processing of staff misconduct appeals as well as many other health care related appeals" in the prison at which he is currently housed, Mule Creek State Prison. In this action, the Clerk of the Court opened a case file, and sent out a notice that Plaintiff had not filed a complaint, and cautioned that the action would be dismissed if he did not submit a complaint within thirty days. The Clerk also sent out a notice that this action was deficient due to the failure to pay the filing fee or furnish a completed and signed Court-approved in forma pauperis application, and cautioned that the action would be dismissed if he did not pay the fee or file the application materials within thirty days. Plaintiff then sent a letter stating that he did not intend to commence a new action but only to inform the judge of his concerns. (Docket no. 4.)

In light of Plaintiff's explanation that the letter he sent to Judge Henderson was not intended to commence a new action, this action is DISMISSED because it was opened in error. No filing fee is due. The Clerk shall close the file.

IT IS SO ORDERED.

DATED: 11/7/11


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 IN RE PHILIP FOND,

5 Plaintiff,

6 v.

7 IN RE PHILIP FOND et al,

8 Defendant.
9 _____/

Case Number: CV11-04856 SBA

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on November 9, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
15 located in the Clerk's office.

16 Philip Fond J-82538
17 Mule Creek State Prison
18 C14-247L
19 P.O. Box 409060
20 Ione, CA 956401-9060

21 Dated: November 9, 2011

22 Richard W. Wieking, Clerk
23 By: LISA R CLARK, Deputy Clerk
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